

of the summons and complaint on behalf of the DOT, but he has not accepted service in his official capacity as Secretary of Transportation due to mailing service issues. Counsel for Texas requested the Defendants consider waiving service on behalf of Pete Buttigieg given these circumstances.

(2) Extent Plaintiffs have had contact with Defendants about the case.

Counsel for Texas has succeeded in identifying counsel for Defendants. Based on schedules, counsel for the parties discussed the case on the morning of January 16. Specifically, counsel for Texas requested the Defendants provide a voluntary extension of the upcoming February 1, 2024 deadline identified in the Final Rule. Such an extension would prevent Texas from having to seek emergency relief immediately, or at least provide the parties additional time to find resolution on how to proceed with the case, without the need for emergency relief. Defendants have taken this under consideration and Texas is awaiting a response.

(3) Whether Plaintiffs intends to request emergency relief.

Texas does anticipate filing a motion requesting a preliminary injunction to enjoin the Final Rule and prevent Texas from needing to comply with the Final Rule's upcoming deadline on February 1, 2024, and other administrative actions thereafter. Meanwhile, counsel for Texas will continue trying to work out a resolution that would avoid the need for immediate Court's intervention before the deadline.

(4) Whether the Court should issue a scheduling order.

Texas defers to the Court's discretion about whether to impose a scheduling order. Presently, Texas anticipates filing an emergency motion, if necessary, on January 17, 2024.

Dated: January 16, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on January 16, 2024, a copy of the foregoing document was electronically filed on the CM/ECF system, which will automatically serve a Notice of Electronic Filing on all attorneys of record in this case.

/s/ Logan Harrell

LOGAN HARRELL

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